

**LEGISLATIVE SERVICES AGENCY
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FISCAL IMPACT STATEMENT

LS 6369

BILL NUMBER: SB 402

NOTE PREPARED: Dec 10, 2003

BILL AMENDED:

SUBJECT: Offender Registry.

FIRST AUTHOR: Sen. Smith S

FIRST SPONSOR:

BILL STATUS: As Introduced

FUNDS AFFECTED: ☒ GENERAL
☒ DEDICATED
☐ FEDERAL

IMPACT: State & Local

Summary of Legislation: This bill requires a person who murders a person who is less than 18 years of age to register with the sex and violent offender registry.

Effective Date: July 1, 2004.

Summary of Net State Impact: This bill would increase the number of individuals required to register as sex and violent offenders. Local law enforcement agencies may experience an increase in expenditures. Any increases are dependent on the number of individuals falling under the requirements of this bill. Counties with larger sex and violent offender populations may necessitate additional staff.

Individuals failing to register as a sex and violent offender commit a Class D felony. A Class C felony is committed if there is a prior offense for not registering. The state may experience an increase in expenditures and revenues. Expenditures may increase if individuals are incarcerated for not registering; revenues may increase through court fees collected.

Explanation of State Expenditures: *Local Law Enforcement Agencies:* This bill would increase the number of persons required to register as sex and violent offenders. The number of persons falling under the requirements of this bill are unknown. Approximately 40 individuals, less than 18 years of age, were murdered in CY 2000 (this information will be updated when it becomes available). Of these murders, the number which included sex offenses are unknown (persons convicted of these crimes would already be required to register).

Each local law enforcement agency has identified staff to monitor sex and violent offender registration.

Increases in expenditures for agencies vary by locality. Allen County, which has a larger sex offender population (836 offenders out of a population of 333,628, or 1 in every 399 individuals), reports that it currently needs additional staff to monitor sex and violent offender registration. The county would likely require additional staff if the number of individuals required to register increases. Whitley County, with a smaller sex and violent offender population (30 sex offenders in 31,099 people, or 1 in every 1,036 people), reports that no additional staff would be needed. Any increases in expenditures for local law enforcement agencies are dependent on the number of individuals that would fall under the requirements of this bill.

Indiana Sheriffs Association: The Indiana Sheriffs Association is responsible for development and monitoring of the Indiana sex offender registry website. The registry is comprised of two parts; the sex offender registry, and the sex and violent offender registry. Individuals listed on the latter are considered sexual predators and remain on the registry for the remainder of their lives. Those listed on the sex offender registry remain on the list for no longer than ten years. Currently, there are approximately 6,600 individuals listed on the sex offender registry; very few of these individuals are sex and violent offenders.

The sex offender registry is funded through grant money from the Indiana Criminal Justice Institute (CJI); the grant was \$120,000 in CY 2002. Two staff maintain the website; the Sheriffs Association does not anticipate a need for additional staff to meet the requirements of this bill.

Penalty Provision: Individuals who fail to register as a sex and violent offender commit a Class D felony. A Class D felony is punishable by a prison term ranging from six months to three years or reduction to Class A misdemeanor depending upon mitigating and aggravating circumstances. The average length of stay in Department of Correction (DOC) facilities for all Class D felony offenders is approximately ten months.

Individuals who do not register as a sex and violent offender, and have a prior offense for not registering, commit a Class C felony. A Class C felony is punishable by a prison term ranging from two to eight years depending upon mitigating and aggravating circumstances. The average length of stay in DOC facilities for all Class C felony offenders is approximately two years.

Assuming offenders can be housed in existing facilities with no additional staff, the average cost for medical care, food, and clothing is approximately \$1,825 annually, or \$5 daily, per prisoner. However, any additional expenditures are likely to be small.

Explanation of State Revenues: *Penalty Provision:* If additional court cases occur and fines are collected, revenue to both the Common School Fund (from criminal fines) and the state General Fund (from court fees) would increase. The maximum fine for a Class D or a Class C felony is \$10,000. However, any additional revenues would likely be small.

Explanation of Local Expenditures: *Penalty Provision:* If more defendants are detained in county jails prior to their court hearings, local expenditures for jail operations may increase. However, any additional expenditures would likely be small.

Explanation of Local Revenues: *Penalty Provision:* If additional court actions occur and a guilty verdict is entered, local governments would receive revenue from court fees. However, the amounts would likely be small.

State Agencies Affected: Department of Correction.

Local Agencies Affected: Trial courts, local law enforcement agencies.

Information Sources: Steve Hillman, Indiana State Police, 317-232-5899; Pam Marling, Bureau of Identification, Allen County, 260-449-7630; Jody Hollenbaugh, Whitley County, 260-244-6410; Mike Eslinger, Indiana Sheriffs Association, 317-356-3633; U.S. Department of Justice, Bureau of Justice Statistics, <http://149.101.22.40/dataonline/Search/Homicide/State/RunHomStatebyState.cfm>.

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